

TITLE 327 WATER POLLUTION CONTROL BOARD

IDEM'S SUGGESTED CHANGES TO PROPOSED NEW RULES CONCERNING CONCENTRATED ANIMAL FEEDING OPERATIONS AT 327 IAC 15-16

LSA Document #09-213

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the version posted in the Indiana Register on August 3, 2011 at DIN: 20110803-IR-327090213PRA have been made in the version of this rule presented to the board for final adoption. These changes are NOT listed in this list of suggested changes.

1. **327 IAC 15-16-4**
Delete "327 IAC 15-1-2,".
2. **327 IAC 15-16-5(a)(4)**
Following "potentially affected persons" delete "in accordance with IC 4-21.5 and 327 IAC 19-8-7" and substitute "**which includes those described in IC 13-18-10-2 and land owners or occupants of land that adjoins the land that is the subject of the permit**".
3. **327 IAC 15-16-7(e)**
Delete "327 IAC 5" and substitute "**327 IAC 2**".
4. **327 IAC 15-16-7(f)**
In subdivision (f)(7), delete "section 12" and substitute "**section 11**".
5. **327 IAC 15-16-7(g)**
Delete "application areas of CAFOs" and substitute "**upon which the CAFO applies manure**".
6. **327 IAC 15-16-9(c)**
Revise subsection (c) to read as follows:
(c) When developing the nutrient management plan required by 40 CFR 122.42(e), the owner or operator shall follow:
(1) the Indiana Comprehensive Nutrient Management Plan Statement of Work, April 9, 2004, available from the Natural Resources Conservation Service, Indiana Field Office, 6013 Lakeside Boulevard, Indianapolis, Indiana 46278-2933 or the department, or available online at <http://www.in.nrcs.usda.gov/>;
(2) the Purdue University Manure Management Planner available for use online at <http://www.agry.purdue.edu/mmp/> ; or
(3) an equivalent program that meets all requirements of 40 CFR 122.42(e).
7. **327 IAC 15-16-11(a)**
In subdivision (a)(8), delete "327 IAC 19-13-1(d)" and substitute "**327 IAC 19-13-1(f)**".
Revise subdivision (a)(9) to read as follows:
(9) The storm water records required under 327 IAC 19-11-1(a).
8. **327 IAC 15-16-11(b)**
Revise subdivision (b)(1) to read as follows:

(1) Any acreage identified as part of the minimum required acreage for the application of manure, litter, or process wastewater that is not owned by the owner or operator of the CAFO must be documented in the operating record by land use agreements signed by the property owners on whose property the manure, litter or process wastewater will or may be applied. If the property is held under a lease or managed by someone other than the property owner, such person in responsible control of the property with authority to approve the land application of manure on the land may sign the land use agreement. The land use agreement shall specify the location of each parcel of land upon which manure may be applied and the available acreage on each parcel after calculation of setbacks.

9. **327 IAC 15-16-11(b)(3)**

Following “the amount of manure” insert “that is marketed or distributed”.

10. **327 IAC 15-16-13**

Revise subsection (c) to read as follows:

(c) The department shall send a transition form to each CAFO NPDES permit holder prior to the effective date of this rule. The form shall indicate the current status of the permit holder and provide the date by which the permit holder must submit information to the department as to whether the permit holder is transitioning to the state CFO program or maintaining a CAFO NPDES permit.

Revise subsection (d) to read as follows:

(d) Facilities that do not submit the notification by the date required on the transition form must submit the full application for CFO approval required under 327 IAC 19-7.

Add a new subsection (e) to read as follows:

(e) Any facility that holds a CAFO NPDES general permit prior to the effective date of the repeal of the CAFO NPDES general permit rules must elect to either transition to the state CFO program or submit an application for an individual CAFO NPDES permit.

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